Registered No. M—1175.

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The Mysore Gazette.

Vol. 58.] PUBLISHED BY AUTHORITY. [No. 20.

BANGALORE, THURSDAY, MAY 17, 1923.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 780—L. C., dated 3rd May 1923.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying bill to provide for the regulation of exhibitions by cinematographs is published for general information with the statement of objects and reasons.

By Order,
C. ABDUL GHANI,
Secretary to the Mysore Legislative Council.

A Bill to make provision for regulating exhibitions by means of Cinematographs.

Whereas it is expedient to make provision for regulating exhibitions by means of cinematographs; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Cinematograph Regulation, 19.

(2) It extends to the whole of Mysore.

(3) The Government may by a notification in the official gazette, direct that the whole or any of its provisions shall come into force in any local area on such date as may be specified in the notification.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context—

'Cinematograph' includes any apparatus for the representation of moving pictures or series of pictures;

'Place' includes also a house, building, tent or vessel; and

'Prescribed' means prescribed by rules made under this Regulation.

Cinematograph exhibitions to be licensed.

3. Save as otherwise provided in this Regulation, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Regulation, or otherwise than in compliance with any conditions and restrictions imposed by such license.

Licensing authority.

4. The authority having power to grant licenses under this Regulation (hereinafter referred to as the licensing authority) shall be the District Magistrate.

Provided that the Government, may, by notification in the official gazette, constitute for the whole or any part of the State such other authority as it may specify in the notification to be the licensing authority for the purpose of this Regulation.

Restrictions on powers of licensing authority.

5. (1) The licensing authority shall not grant a license under this Regulation unless it is satisfied that—

(*a*) the rules made under the Regulation have been substantially complied with; and

(*b*) adequate precautions have been taken in the place in respect of which the license is to be given to provide for the safety of persons attending exhibitions therein.

(2) A condition shall be inserted in every license that the licensee will not exhibit, or permit to be exhibited, in such place any film other than a film which has been certified as suitable for public exhibition by an authority constituted under Section 7 and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto.

(3) Subject to the foregoing provisions of this Section, and to the control of the Government, the licensing authority may grant licenses under this Regulation to such persons as it thinks fit, and on such terms and conditions and subject to such restrictions as it may determine.

Punishment for contravention of this Regulation and rules made thereunder.

6. (1) If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Regulation or the rules made thereunder, or of the conditions and restrictions upon or subject to which any license has been granted under this Regulation, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues, and his license (if any) shall be liable to be revoked by the licensing authority.

(2) If any person is convicted of an offence punishable under this Regulation committed by him in respect of any film the convicting Court may further direct that the film shall be forfeited to His Highness the Maharaja.

Certification of films.

7. (1) The Government may by a notification in the official gazette, constitute as many authorities as it may think fit for the purpose of examining and certifying films as suitable for public exhibition, and declare the area (hereinafter referred to as the 'local area') within which each such authority shall exercise the powers conferred on it by this Regulation. Where an authority so constituted consists of a Board of two or more persons not more than one half of the members thereof shall be persons in the service of Government.

(2) If any such authority after examination considers that a film is suitable for public exhibition, it shall grant a certificate to that effect to the person applying for the same, and shall

cause the film to be marked in the prescribed manner. The certificate of any such authority, shall, save as hereinafter provided, be valid throughout the areas in which this Regulation is in force.

(3) (*a*) If the authority is of opinion that a film is not suitable for public exhibition in the local area, it shall inform the person applying for the certificate of its decision and such person may, within thirty days from the date of such decision, appeal for a reconsideration of the matter by the Government.

(*b*) If the Government rejects the appeal, it shall by notification in the official gazette, direct that the film shall be deemed to be an uncertified film in that local area, and such direction shall have effect notwithstanding the subsequent grant of a certificate in respect of the film by any other such authority.

(4) Any such authority may, demand the exhibition before itself of any certified film which it has reason to believe is about to be publicly exhibited in its local area and may by order suspend the certificate of any such film, pending the orders of Government, and during such suspension the film shall be deemed to be an uncertified film in that area.

(5) The District Magistrate may, by order, suspend the certificate of any film pending the orders of the Government, and during such suspension the film shall be deemed to be an uncertified film in that district or town.

(6) A copy of any order of suspension made under Sub-section (4) or (5) together with a statement of reasons therefor, shall forthwith be forwarded by the authority or the officer making the same to the Government and the Government may in its discretion either discharge the order or, by notification in the official gazette, direct that the film shall be deemed to be an uncertified film in the whole or any part of Mysore.

(7) The Government may, of its own motion, by notification in the official gazette, direct that a certified film shall be deemed to be an uncertified film in the whole or any part of Mysore.

(8) The exhibition of a film to which any order or direction under clause (*b*) of sub-section (3) or sub-section (4), (5), (6) or (7) is for the time being applicable shall, in the area to which such order or direction relates, be deemed to be a contravention of the condition mentioned in sub-section (2) of Section 5.

Power to make rules.

8. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, rules under this Section may provide for—

(*a*) the regulation of cinematograph exhibitions for securing the public safety;

(*b*) the procedure of the authorities constituted for examining and certifying films as suitable for public exhibition and all matters ancillary thereto, and the fees to be levied by those authorities;

(*c*) the appointment of officers subordinate to authorities constituted under Section 7 and the regulation of the powers and duties of such officers; and

(*d*) any other matter which by this Regulation is to be prescribed.

(3) All rules made under this Regulation shall be published in the official gazette and on such publication, shall have effect as if enacted in this Regulation.

Power to exempt.

9. The Government may by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Regulation or of any rule made thereunder.

STATEMENT OF OBJECTS AND REASONS.

The Bill is designed to ensure proper control of cinematograph exhibitions with particular regard to the safety of those attending them; and to prevent the presentation to the public of improper or objectionable films. The special danger from fire which attends cinematograph exhibitions as has been illustrated by terrible catastrophes due to this cause in other countries render it important to secure, in the interests of the safety of spectators, a proper regard to the structural conditions of the premises utilised.

The Bill accordingly provides that no exhibition shall be given except in accordance with the conditions of a license granted by the prescribed authority. This license is intended to ensure that the intentions of the Regulation are complied with and that adequate precautions are taken for the safety of persons attending the exhibition which it covers. The Bill also provides for the constitution of an authority which will be required to pass all films intended for exhibition in the State and which will have power to refuse the necessary certificate in the case of any film, the production of which in public is open to objection for the reasons already given.

The Bill includes the ordinary rule making provision and enables the Government to exempt any cinematograph exhibition or class of cinematograph exhibitions from the provisions of the law. Finally it makes provision for the punishment of offences against the Regulation or the rules made thereunder.

The Education Board have also recommended the adoption of the British Indian Cinema Act.

The Bill is based on the lines of British Indian Act II of 1918.